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PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB
NOTIFICATION

The 18th December, 2017

No.29-Leg./2017.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 12th day of December, 2017, is hereby published for general information:-

THE PUNJAB LAND REFORMS (AMENDMENT) ACT, 2017.

(Punjab Act No. 19 of 2017)

AN

ACT

further to amend the Punjab Land Reforms Act, 1972.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Punjab Land Reforms (Amendment) Act, 2017. Short title and commencement.

(2) It shall be deemed to have come into force on and with effect from the 24th January, 1971:

Provided that the provision being made by section 2 of this Act shall come into force at once.

2. In the Punjab Land Reforms Act, 1972,(hereinafter referred to as the principal Act) , in section 3, in clause (8), the words "but shall not include land under banana or guava trees or land comprised in vineyard" shall be omitted. Amendment in section 3 of Punjab Act 10 of 1973.

3. In the principal Act, in section 27, for clause (j), the following clause (j) shall be substituted, namely:- Amendment in section 27 of Punjab Act 10 of 1973.

"(j) land not covered under clause (h) and (i), acquired by a person for non-agricultural purposes such as housing, industrial, infrastructure projects, special economic zone (SEZ), tourism units (hotels and resorts), public utilities, warehousing, commercial, cultural, recreational, sports, religious, institutional:

Provided that where land is acquired for non-agricultural purposes as per provisions of clauses (h), (i) or (j), such person

would be required to intimate such intention of change of land use for non-agricultural purposes to the Collector within one year from the date of publication of the Punjab Land Reforms (Amendment) Act, 2017 or within one year from the date of acquisition of such land and in such cases, the Collector, on receipt of such intimation, shall cause the necessary entries to be recorded in the revenue record to this effect.

Explanation.- For the purposes of clauses (h), (i) and (j) of this section-

- (i) where an agricultural activity is carried out primarily as an activity subservient to a non-agricultural activity or purpose of such person, in such cases, such land shall be deemed to have been acquired for non-agricultural purposes; and
- (ii) a person intending to carry out any development on land covered under these clauses, shall be required to obtain necessary permission under the Punjab Regional and Town Planning and Development Act, 1995 or the Punjab New Capital (Periphery) Control Act, 1952, as may be applicable.".

VIVEK PURI,
Secretary to Government of Punjab
Department of Legal and Legislative Affairs.

PART III

GOVERNMENT OF PUNJAB

DEPARTMENT OF TRANSPORT (TRANSPORT-II BRANCH)

NOTIFICATION

The 13th December, 2017

No. G.S.R.62/C.A.59/1988/Ss.79 and 96/2017.-WHEREAS
transportation of goods by road is the backbone of trade, commerce and industry
in Punjab and transport sector is a key driver of the State's economy.

AND WHEREAS the smooth conveyance of goods by the holders of
goods carriage permits at fair and economic rates is critical for the functioning
of trade and industry in the State;

AND WHEREAS it is also a prime factor in attracting fresh industrial
and infrastructural investment to the State;

AND WHEREAS some operators and holders of goods carriage permits
have cartelised and are indulging in unfair trade practices to the detriment of
the consumers of their services, as a result, causing severe damage to trade,
business and industry in the State;

AND WHEREAS the Government of Punjab is cognizant of the
cartelization and consequent exploitation of consignors and consignees of goods
with the establishment of Unions of operators holders of goods carriages
permits;

AND WHEREAS cartelization by goods carriages not only creates
bottleneck in free trading and commerce, it is also an infringement of fundamental
rights. It is against wider public interest as a few people enrich themselves by
coercing end users;

AND WHEREAS the Government of Punjab is desirous of regulating
the operations of goods carriages of all types with the object of bringing an end
to the cartelization and consequent exploitation of consignors and consignees
of goods by such formal or informal unions, (whether registered or unregistered)
including Truck Unions, Canter Unions, Tempo Unions, Tractor-trolley Unions
established in local areas, towns and cities within the State of Punjab;

NOW THEREFORE with reference to the Government of Punjab,
Department of Transport, Notification No. GSR 27/C.A.59/1988/Ss 79 and 96/
2017, dated 21st July, 2017 and in exercise of powers conferred by section 79

read with section 96 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely:

1. Short title, extent and commencement.-(1) These rules may be called the Punjab Goods Carriages (Regulations and Prevention of Cartelization) Rules, 2017.

(2) These rules extend to the whole State of Punjab and shall apply only to Public Goods Carriers and not to Private Goods Carriers.

(3) These rules shall come into force on and with effect from the date of their publication in the Official Gazette.

2. Definitions.-(1) In these rules, unless the context otherwise requires,-

- (a) "Act" means the Motor Vehicles Act, 1988 (Central Act 59 of 1988);
- (b) "cartel" shall have the same meaning as assigned to it in the Competition Act, 2002 (Act 12 of 2003);
- (c) "designated account" means the bank account maintained by the holder of goods carriage permit in a nationalised/ non-nationalised bank;
- (d) "designated authority" means the Sub-Divisional Magistrate of the Sub-Division ;
- (e) "Government" means the Government of the State of Punjab in the Department of Transport;
- (f) "private goods carriers" means a transport vehicle and includes a light motor vehicle, medium goods vehicle and heavy goods vehicle used or adapted primarily for or on behalf of the owner thereof for the purpose of transportation of goods by industries, manufactures, traders, agriculturists, educational, charitable or other institutions in connection with trade or business, otherwise than for transportation of goods for hire or reward but does not include motor vehicles used for public purposes; and
- (g) "public goods carriers" means any motor vehicle used or adapted for the carriage of goods for hire or reward and includes a light motor vehicle, medium goods vehicle and heavy goods vehicle. Such public goods carriers can be owned or operated by an individual, a firm, or a company under the Companies Act, 1956 or by a Cooperative Society.

(2) The words and expressions used in these rules, but not defined, shall have respective meanings as assigned to them in the Act.

3. Regulation of public goods carriers and prevention of cartelization.-

(1) No operator or permit holder of goods carriages or a body thereof in any form shall be allowed to form a cartel denying freedom of choice to the consignors and consignees to engage the services of such operators or permit holders.

(2) No operator or permit holder of goods carriages shall compel or coerce any other operator or a permit holder of goods carriage to become a member or partner with him or cause hindrance in the conduct of business by another operator or permit holder of goods carriage.

(3) No operator or permit holder shall stop any other operator or a permit holder of goods carriage/ consignor/ consignee who wish to pick up goods from any local areas, towns or cities within the State of Punjab in the normal course of their business as permissible under the terms and conditions of permit granted to them by the competent authority.

(4) In case of a hindrance created by the operator or permit holder, the affected operator or permit holder of goods carriage/ consignor/ consignee may make a complaint thereof in writing to the Officer Incharge of the local Police Station, who shall ensure its safe passage. Such an affected operator or permit holder of goods carriage/ consignor/ consignee may also make a written complaint to the designated authority who, after holding a preliminary enquiry, shall forward the complaint with the recommendation to the authority competent to issue permits to take action under section 86 of the Act for suspension or cancellation of the permit, as the case may be.

4. Government to fix fares and freights.-(1) The Government may, by notification in the Official Gazette, fix the minimum and maximum fares and freights, from time to time in respect of different kinds of goods carriers on a per kilometre basis for wet and dry loads and for the transportation of livestock, having regard to,-

- (i) the different terrains to be traversed;
- (ii) cost of fuel and maintenance;
- (iii) the salaries and expenditure; and
- (iv) all others relevant factors pertaining to the different kinds of goods carriages,

with a view to preventing exploitation of consumers of such services at the hands of goods carriage permit holders on the one hand and the prevention of

uneconomic competition amongst holders of goods carriage permits on the other. The fares and freights so fixed would be applicable to all goods carriages, whether individuals or otherwise, who enter into a contract and load a consignment of goods from within the State of Punjab, notwithstanding that the point of delivery lies within or outside the State of Punjab.

(2) Every consignment of goods shall be subject to negotiation within the minimum and maximum fare fixed under sub-rule (1) but if the consignor of goods deposits the maximum fare/freight applicable to the consignment in the designated account, then the holder of the goods carriage permit shall be obliged to provide the carriage provided that it is not engaged elsewhere.

5. Rules to become part of the existing and the future permits.-The provisions contained in these rules, shall be deemed to have become part of conditions of the permits already issued till date and to be issued in future.

6. Power to Interpret.-In case of any difficulty in implementing these rules, the power to interpret and clarify the rules, shall vest with the authority competent to register and grant permits for goods carriages.

7. Power to give directions.-In case it is observed by the authority competent to grant permits for goods carriages that an operator or permit holder of goods carriage is not complying with any of these rules, he shall make a report to the Government seeking such directions, as may be necessary to ensure smooth conveyance of goods by the operators or permit holders of goods carriages in full compliance of the provisions of these rules.

MANIKANT PRASAD SINGH,
Additional Chief Secretary to Government of Punjab,
Department of Transport.